IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :12649 of 2006

Dated: 4th July 2006.

Between:

M/s Noble School Trust

..... PETITIONER

AND

The Secretary, Regional Transport Authority, West Zone, Hyderabad and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO :12649 of 2006

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by the seizure of the petitioner's vehicle bearing registration number MH 34A-8080, on 15-06-2006 by the 2nd respondent, present writ petition is filed with the prayer as follows:

> " For the reasons set forth in the accompanying affidavit it is prayed that the Hon'ble court may be pleased to issue a Writ order or direction especially one in the nature of WRIT OF MANDAMUS declaring the seizure of the petitioner's vehicle bearing No. MH 34A-8080 vide vehicle check report No.1963857 dated 15.6.2006 is illegal and arbitrary and pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case in the interest of justice."

The vehicle was initially registered in the State of Maharashtra. The petitioner claims that he purchased the vehicle some time in the month of August 2005 and obtained no objection certificate from the RTA, Nagpur on 26-08-2005, indicating that the said authority has no objection for transfer of the ownership of the said vehicle beyond its jurisdiction, but the fact remains that the vehicle has not yet registered in the State of Andhra

Pradesh.

The 2nd respondent in his vehicle check report, under which the vehicle was seized, has pointed out as many as seven irregularities alleged to have been committed by the petitioner. The enquiry, in this regard, is still pending.

In the circumstances, we direct the 1st respondent to release the vehicle bearing registration number MH 34A-8080 to the petitioner, on condition of the petitioner paying the amount of tax due, as determined by the 1st respondent, within a period of one week from today. It is further directed that the enquiry into the other alleged irregularities/violations be completed within a period of four weeks from the date of receipt of a copy of this order and an appropriate action, in accordance with the conclusions reached by the Enquiry Officer, be taken on the petitioner.

With the above directions, the writ petition is disposed of at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

Note:
Issue wire at party's cost.
(bo)
mrk
4th July 2006